

August 12, 2020  
Special Council Meeting

Members Present: Mayor Phelps, Council Members: Janet Johnson and Manda Jorgenson, Library Director Kari Ourada, Library Board members: Arlene Erickson, Carolee Stutz, Renee Krentz, Carol Quade, Deb Warner and Employee Genael Diamond Barber.

Mayor Phelps opened stating the purpose of the special meeting is an employee disciplinary action hearing. Mayor Phelps stated to Diamond that she has the right to have the hearing open or closed. Diamond stated that she would like the door shut and the meeting continued as closed.

Mayor Phelps turned the meeting over to Kari Ourada, Library Director as Kari and the Library Board have called the meeting with the council regarding disciplinary action. Diamond asked before Kari addressed council if she could give a speech. Ourada stated that it was ok for her to do that.

Diamond stated the following: I know we are here to discuss my attendance, my warnings and my past and present work performance but before that I would like to give a speech. I know everyone here knows me but don't know if everyone know I suffer from severe depression, migraines and anxiety. One effects the other and if I have a migraine, I am most likely depressed. If I am depressed, I usually have a migraine. What you might not know is that my family is constantly belittled and looked down on at work by Kari. Every time I think about coming in to work, I get depressed and all I want to do is sleep. Just thinking about what I have to deal with stresses me out and makes me sick. You might be wondering what I have to deal with and here is what I have to or had to deal with in the past. She wished my sister Crystal OD and died. If I remember correctly her exact words were the boys, my nephews, would be better off if she OD and died. She talked bad about LGBT's and that she didn't want any of these books in her library, she wasn't going to get the Frozen 2 movie if Elsa was a lesbian and these letters do affect me as I am bi-sexual as I have mentioned in the past to Kari. She talks bad about my weight and that I can't lose weight. She constantly puts down my clothes even though she knows I am trying to make the best choices I can with what is out there for bigger people. She makes me feel uncomfortable in my own body. Then she bought work shirts for everybody and I was the only one wearing them all the time. She volunteers me for things that I do not want to do. She has talked about these issues in front of non-library and city staff and has embarrassed me and torn down my image. On the matter of the Facebook post I was just venting and I did not mean for anyone to get offended by what I put out there. I didn't feel that I disrespected anyone in the library. I didn't name names and I was just asking questions. As for my attendance, when I started working here, I made sure to mention that I get sick a lot with migraines. I was also on social security for my depression and you guys were still ok with hiring me. If you were going to have a problem with that you should have mentioned it ahead of time. I have tried for years to get my depression and migraines in hand and it has not worked. I've tried multiple different medications and have been in and out of hospitals and there is nothing I can do. I'm sorry that it has come to this. Everyone knows I am a passive person and I feel that Kari takes advantage of this. When she does these things, it hurts my feelings and she know that I will not say anything to her, which leads me to bottle it up in which makes me depressed, gives me a migraine and makes me not want to go to work. And as to why I have not told anyone about these things, she says to me, who am I going to tell? You? You? Or You? She is the director of the library and has said in the past that she has control of the library.

Kari Ourada as the library director states the following: I've called this meeting to go over the problems of attendance with Genael. I recommended her for hire in October of 2014 after she had completed several years in the PIC program as I felt she was a good fit for this job. I have been struggling with her attendance for a long time now and I know that she is very aware of this problem. Along with the attendance issue comes performance issue and all the things that get pushed aside when an employee is absent. Things have been getting worse instead of better and we have had many conversations about this and here is some background information about this. We first addressed the dress issue in 2016 and ruled out wear certain items of clothing.

Also, to help with the dress code problem we added a clothing budget to purchase shirts for all of us to wear and this to has continued to be a problem and to choose to wear them all the time, Diamond, you do not. Diamond was given a verbal warning back on November 1<sup>st</sup>, 2018 in which was in regards to being sick, over sleeping and failure to perform the tasks at hand. At that time, she told me that I did not understand her headaches and that she was trying. She was given a written warning on February 9<sup>th</sup>, 2019. This warning was given for missing 9 out of the 15 scheduled days in the Month of January. The situation did improve with only missing 14 additional days that year. Diamond is a part-time employee so she is not scheduled to work every day and some weeks only for 2 days. With that in mind, she missed a total of 18 days in 2017, 16 days in 2018 plus was given time off for surgery and a total of 19 days in 2019. Now moving into the present year, so far in 2020 she has missed 110 hours and that is 17 different days and it is only August. Clearly the situation has not been improving with many of these missed days not because of headaches and they are in text message of proof. Most recently we have moved into Facebook posts saying that she wishes it was 5:00 and wanted her bed at 11:47am while at work and then was upset that she had to work a day for something she never volunteered for. It maybe doesn't sound like a big deal, but she was in on the conversation regarding summer reading being on Tuesday's and getting more hours was not a volunteer thing. I confronted her regarding the post and she confirmed that is what she was referring to. Diamond continued on with another post wondering if her boss can tell her what she can or cannot post on Facebook and that was brought with some very rude comments. Then on Wednesday posted on Facebook that she was sick but went to work like a "good Girl" because nobody would work for her. Kari stated that Diamond never contacted herself or Michelle to work that day for her. This was met also with very rude comments about management. I feel like I have been patient and tolerant as I possibly can be but the behavior of this employee should not be allowed. I have recently asked her how many Thursday's she has missed this year and her reply was a lot. Kari stated it has been 1/3 of them that she has missed and that is one of our delivery days and a very important day at the library. I cannot continue to work with an employee who is irresponsible and shows such little concern for her job. Due to lack of attendance, poor work performance on the job and insubordination has led to my request for termination.

Phelps asked if there are any other questions or comments from the library board or council?

Carolee Stutz stated this has been going on for quite some time now and it has been a burden. I didn't know Diamond that you did not like to do the things that were given to you. You seemed to be enthusiastic. Barber stated, it's a front. Stutz stated, maybe that is the problem you should have said something. Barber stated, how am I going to voice my opinion when I'm told she has control over what I can and can't do? Stutz stated, we are the library board you could have come to any of us. Barber stated, I have never been told that I have a way out. I've never been told there is a way to complain and there is no HR place. Stutz stated, I see what you are saying. Barber asked, so who am I supposed to complain to? You guys don't know me as well so who are you going to pick over? I feel you are her friends and would back her up and you will just say I don't believe you. Why would I believe you? Stutz stated that we have a library board and we discuss things like this. Barber stated, what am I supposed to do? Bring my problems up in front of her? In a normal company there would be a separate office that I can go and tell someone what I am going through, but here I would have to come to the library board while she is here. How am I going to do that? Ourada stated, Diamond you and I have had many conversations and I have helped you along the way. You are picking out only certain things that you are pointing at me and many of those things regarding your family you were in total agreement with. Barber stated. I wasn't in agreeance I just didn't say anything. Barber said, I'm going to bring up a conversation that myself, Kari and Carolyn Vanloh had. We were talking about political stuff and I said I'm not going to do so and so. Kari stated well you agreed to certain things when I was talking about them. Barber said yes, I agreed at the time but really didn't agree I just didn't want to start something at work. I don't talk about it at work because it creates a hostile environment. Erickson stated, you can always take a step back and remove yourself from the conversation. Barber stated, that is what I did. Kari stated the bottom line of that conversation was encouraging you to use your right to vote. Carol Quade stated in the past Kari has bought Diamond clothing over and above what the library has purchased out of her own pocket and also given you rides on occasion. I think that shows an employer that is going above and beyond. Barber stated, I agree and that is why I haven't said anything. Sometimes she is the best employer I mean I love her dearly. She is best friend literally. I have no friends

besides my family. Johnson asked Diamond, do you like your job? Barber stated, oh I love my job some days and other days I just hate it. Johnson asked, so do you feel this is a hostile work environment? Barber stated yes. Johnson asked, do you think you can overcome that? Barber stated, I literally don't know. I love days when I am working by myself. Johnson states, I familiar with your history and working with Kari, but do you feel that it has gone so far that you can't work together or repair that? Are you willing to try, is Kari willing to try? Barber stated, I don't know. I just don't know. I'm just tired. I'm tired. Ourada stated, so am I. Renee Krentz stated, I come in and do summer reading and I volunteer. We have been working with daycares to come and do summer reading. I count on Diamond to be here to help me and with her not being here let me down. Diamond is very good with the computer things. She has helped out so much with the program and finding books.

Phelps asked if there were any other questions or comments. Phelps then asked for a motion on the table. Johnson stated, since there has been a verbal and written warning, I don't see this situation being fixed. I know you have medical conditions Diamond and maybe this isn't a good fit. Johnson stated, I really don't know the answer and I'm just afraid there is no repair at this point and it might be best to hand in your resignation. Barber stated, I am not resigning. You can fire me, but I am not resigning. Phelps asked Johnson, Is your motion for termination? Johnson stated, I move for termination. Jorgenson stated to Diamond, I just want to thank you for everything you have done. Obviously, you can see there are highs and lows throughout your working with Kari, but that doesn't mean everything has been negative. I feel terrible that it has made it to this point, but I think based on your attendance and the things that any job anywhere would need to keep up and play into somebody let or not I have to second Jan's motion.

Motion by Johnson and seconded by Jorgenson to agree with Kari's recommendation to terminate Genael at this time. All voted in favor. Motion carried.

Motion by Jorgenson and seconded by Johnson to adjourn the meeting. All voted in favor. Motion carried.

Steen stated to Kari – Please give Diamond a list of things that you will need from her and make sure she gets her personal belongings. Diamond stated that she didn't have her key with her but will bring it in later today.

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Katie Steen, City Clerk

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Dennis Phelps, Mayor